

Bereskin & Parr

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40 King Street West
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Telephone: (416) 364-7311
Facsimile: (416) 361-1398

FAX RECEIVED

MAY 09 2002

PETITIONS OFFICE

TELEFAX TRANSMITTAL

TO: Derek Woods

FIRM: USPTO

FAX NO.: 703-308-6916

FROM: Tony R. Orsi

DATE: May 9, 2002

PAGES: 11
(Including cover sheet)

File No.: 11157-23
Lawyer No.: 252

If transmission is interrupted or of poor quality, please notify us immediately by calling Cheri Chesworth at (416) 364-7311, ext. 6296

COMMENTS:

Further to the telephone conversation that you had this afternoon with my assistant, Cheri Chesworth, please find following the petition in response to the Notice of Omitted Item(s) In A Nonprovisional Application. Please also find a copy of the Return Receipt Postcard which shows that this Petition was received by the USPTO on April 8, 2002. Please confirm at your earliest convenience receipt of these documents. You can reach me at 416-957-1603.

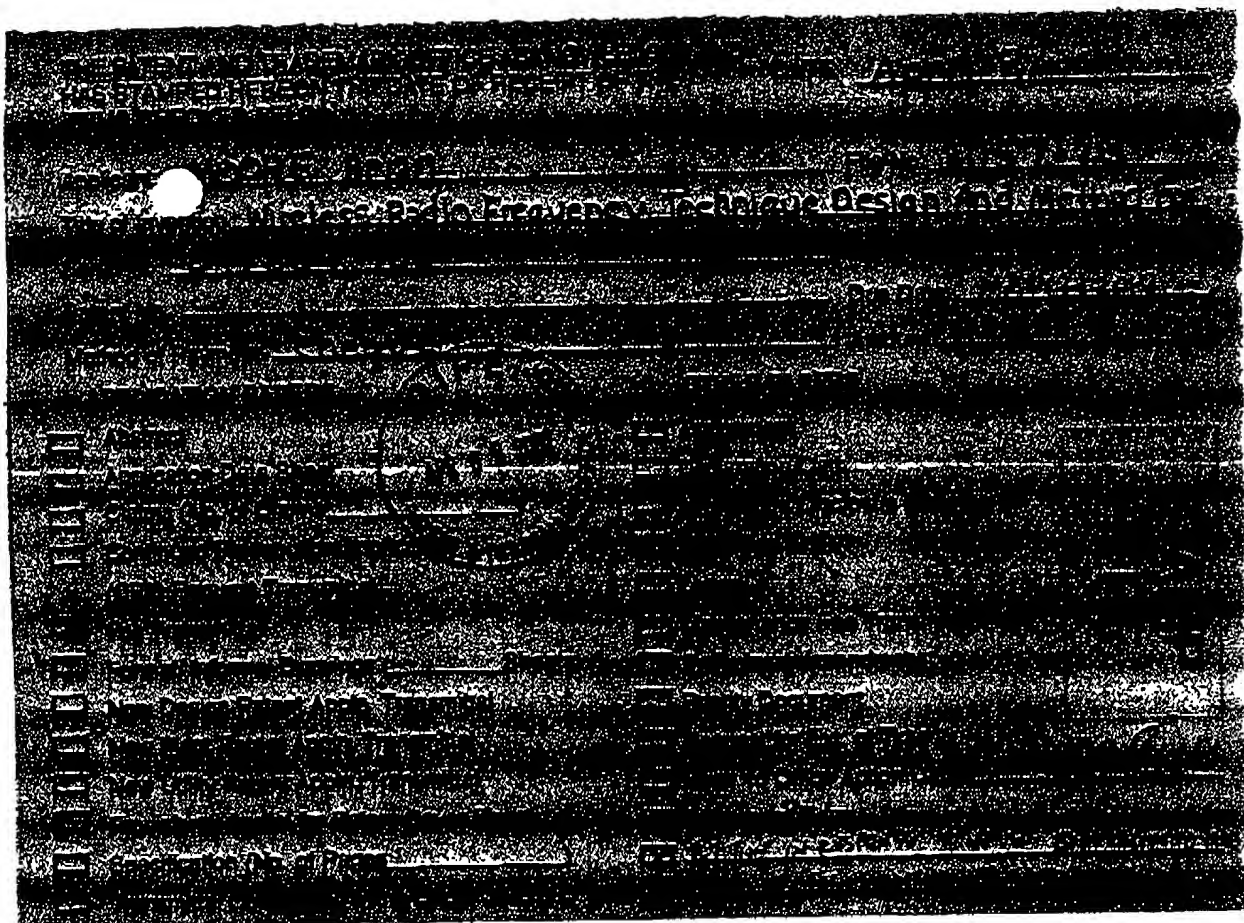
Thank you for your assistance in this matter.

Yours truly,

Tony Orsi

CONFIDENTIAL

This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.



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PETITIONS OFFICE

**PETITION UNDER 37 CFR 1.53(e) IN RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION**

First Named Inventor: Brian Moore
Application No.: 09/854,905
Filed : May 15, 2001
Title : Wireless Radio Frequency Technique Design and Method For
Testing of Integrated Circuits and Wafers
Docket No. : 11157-23

Group Art Unit: 2829

Examiner: N/A

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PETITIONS OFFICE

April 5, 2002

Attention: Initial Patent Examination Division
Commissioner for Patents
UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C 20231

This petition is in response to the Notice of Omitted Item(s) In A Nonprovisional Application dated March 12, 2002. Accordingly, this petition is timely filed.

The U.S. Patent and Trademark Office contends that the Applicant did not submit page 20 of the application at the filing date.

Applicant submits that page 20 of the specification was in fact deposited in the USPTO with the original filing of the nonprovisional application papers on May 15, 2001. Applicant submits that the specification as filed is 44 pages long, including a title page, 33 pages of description, 9 pages of claims and a 1 page abstract. The return receipt postcard for this application itemized and properly identified the items that were filed. The return receipt postcard indicated that the specification is 44 pages long. Applicant provides photocopies of the return receipt postcards as evidence that the entire specification was deposited with the USPTO at the filing date of May 15, 2001. One of the postcards has the Office Date stamp by the Office of Initial Patent Examination (OIPE) upon filing the application on May 15, 2001. The second return receipt postcard was mailed by the USPTO to the agent for the Applicant and includes the serial number that was assigned to this application. Accordingly, the entire text of the application was filed with the USPTO on May 15, 2001.

**APPLICANT HEREBY PETITIONS THAT THE NOTED OMITTED ITEM WAS IN FACT
DEPOSITED IN THE U.S. PATENT AND TRADEMARK OFFICE WITH THE
NONPROVISIONAL APPLICATION PAPERS.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) The Notice of Omitted Item(s) In A Nonprovisional Application Form.
- (3) Evidence to support filing of omitted items.

1. The Petition Fee of \$130.00 (37 CFR 1.17(h)) is attached.
2. The Notice of Omitted Item(s) In A Nonprovisional Application Form is attached.
3. The Withdrawal of Previously Sent Notice that accompanied the Notice of Omitted Items is attached.
4. Photocopies of the return receipt postcards are attached as evidence.
5. As the U.S. Patent and Trademark Office now appears to be missing page 20, the Applicant includes page 20 to complete the office's file upon grant of this petition.

April 5, 2002
Date

Telephone
Number: (416) 364-7311

Stephen M. Beney
Signature

Stephen M. Beney
Registration No. 41,563
Typed or Printed Name

Bereskin & Parr
40 King Street West
Toronto, Ontario
M5H 3Y2
Address

Enclosures: Notice of Omitted Items In A Nonprovisional Application
Withdrawal of Previously Sent Notice
Photocopies of the Return Receipt Postcards
Fee Transmittal Form
Fee Payment
Page 20 of the application as originally filed



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/854,905	05/15/2001	Brian Moore	11157-23

CONFIRMATION NO. 7601

FORMALITIES LETTER



Stephen M. Beney
Bereskin & Parr
40 King Street West
Box 401
Toronto, ON M5H 3Y2
CANADA

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MAY 09 2002

PETITIONS OFFICE

Date Mailed: 03/12/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 20 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

A Salve

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO /TITLE
09/854,905	05/15/2001	Brian Moore	11157-23

Stephen M. Beney
Bereskin & Parr
40 King Street West
Box 401
Toronto, ON M5H 3Y2
CANADA

FAX RECEIVED

MAY 09 2002

PETITIONS OFFICE

CONFIRMATION NO. 7601

WITHDRAWAL NOTICE



OC000000007623469

Date Mailed: 03/12/2002

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 09/25/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

A copy of this notice MUST be returned with the reply.

Asahik

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

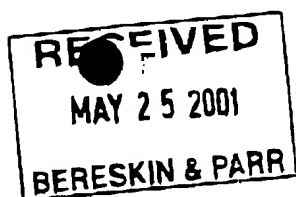
May-08-2002 17:00

From-BERESKIN & PARR

416

T-457 P.008/011 F-285

The date stamp on this card signifies receipt by the United States
Patent & Trademark Office of the following documents related
to:



In Re: Brian Moore
New Utility Patent Application Transmittal
Title: WIRELESS RADIO FREQUENCY TECHNIQUE DESIGN
AND METHOD FOR TESTING OF INTERATED
CIRCUITS AND WAFERS

Attorney Docket Number: 11157-23

1. Patent Application Cover Sheet
2. Initial Information Data Sheet
3. Title Cover Sheet
4. Specification (44 pages)
5. Drawings on 32 sheets
6. Return Postcard

FAX RECEIVED

MAY 09 2002

PETITIONS OFFICE



The date stamp on this card signifies receipt by the United States Patent & Trademark Office of the following documents related to:

In Re: Brian Moore

New Utility Patent Application Transmittal

Title: WIRELESS RADIO FREQUENCY TECHNIQUE DESIGN
AND METHOD FOR TESTING OF INTERATED
CIRCUITS AND WAFERS

Attorney Docket Number: 11157-23

1. Patent Application Cover Sheet
2. Initial Information Data Sheet
3. Title Cover Sheet
4. Specification (44 pages)
5. Drawings on 32 sheets
6. Return Postcard

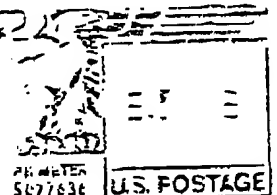
09/854905
05/15/01

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MAY 09 2002

PETITIONS OFFICE

AIRMAIL



Stephen M. Beney, Esquire
BERESKIN & PARR
Box 401
40 King Street West
Toronto, Ontario
CANADA M5H 3Y2



00101/2405



PTO/SB/17 (11-01)

Approved for use through 10/31/2002 OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 130.00**Complete if Known**

Application Number	08/854,905	FAX RECEIVED
Filing Date	May 15, 2001	
First Named Inventor	MOORE, Brian	MAY 09 2002
Examiner Name		
Group Art Unit	2829	PETITIONS OFFICE
Attorney Docket No.	11157-23	

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

022095

Bereskin & Parr

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20** =	0.00	0.00
Multiple Dependent	- 3** =	0.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
138 130	138 130	Non-English specification	
147 2,520	147 2,520	For filing a request for a <i>parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130.00
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
148 740	248 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Required by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00**SUBMITTED BY**

Name (Print/Type) Stephen M. Bereskin

Signature

Registration No. (Attorney/Agent)

41,563

Complete (if applicable)

Telephone (416) 364-7311

Date April 5, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

03 308 6916

*** RX REPORT ***

RECEPTION OK

TX/RX NO	6058
CONNECTION TEL	416
CONNECTION ID	
START TIME	05/09(TH)15:52
USAGE TIME	04'03"
PGS.	11
RESULT	OK